

***Opening and Closing Remarks from Landowner Informational Meetings –
November 5 and 6, 2008***

The following is a summary of opening and closing remarks made at the landowner informational meetings held November 5 and 6 in Courtland, and Brentwood, California.

[Welcome] Good evening and thank you for coming to join us this evening. I will be the moderator tonight to make sure that everyone gets the opportunity to ask their questions or speak. As many of you know, we held six landowner meetings in August. Tonight we're back here because the Department of Water Resources has determined that there are additional areas where studies are needed to do the environmental review process for the Bay Delta Conservation Plan.

How many of you here tonight received letters about tonight's meeting? Even if you didn't receive a letter, we're happy to have you here. The letters that you received, either for this meeting or the meetings in August, indicated DWR's interest in accessing property through what's called a "Temporary Entry Permit" to do studies on the land in support of the environmental review process for the Bay Delta Conservation Plan. Our purpose tonight is to give you an update of what's going on with that process, to answer some of your questions and allow you to speak one-on-one with the staff members that are here.

If you did receive a temporary entry permit request in August, you've probably already been contacted by Department of Water Resources' staff to set up one-on-one meetings with you to see how the staff can work with you regarding entry to your individual property, the needs that you have, and the requests that you have regarding your individual property. The process involves an initial notification, then a meeting with you one-on-one to try and resolve some of these issues, and then gain access to the property. The better the information is, the better the studies will be for the Bay Delta Conservation Plan.

Since our last set of meetings, a lot of questions came up that the Department of Water Resources has attempted to answer. In your packets you will find some handout materials. In here there are answers to the questions that came up, and we will continue modifying and addressing the questions as they come up in meetings like tonight's. You can also find a list of these questions and answers on DWR's Web site at www.water.ca.gov/deltainit/. The website also is a good source of information for maps, diagrams, etc. I encourage you to take a look.

The purpose for tonight's meeting is really four-fold. Number one, we want to give you an overview, an update and a schedule for what's happening with the Bay Delta Conservation Plan and the environmental review. The second is to provide the opportunity to discuss more about what those field studies are, why the Department wants access to your property, and what protects you as landowners. The third purpose will be to answer your questions. We'll get back to that a little bit later. The fourth purpose is, again, to provide you an opportunity

***Opening and Closing Remarks from Landowner Informational Meetings –
November 5 and 6, 2008***

to talk one-on-one with the staff.

The structure of tonight's meeting will include about 20 to 25 minutes for an overview of the Bay Delta Conservation Plan and the environmental review process. Then we'll go to questions and answers.

In your packets you have speaker cards so that we have an orderly way to process the number of speakers and so I have an idea of how many of you want to speak. I will ask you to fill out the speaker card, hand them to staff or hand them to me, and I'll call the names and I'll call a couple at a time so that you can prepare your thoughts.

With that, I'd like to turn it over for an overview of the program.

[Bay Delta Conservation Plan] First of all, probably everyone in the room has heard about Delta Vision, and this is the independent task force that for the last two years has been looking at the Delta and making recommendations. They just completed their work two weeks ago and have submitted a report. It's online today, anyone can look at it. They've made several recommendations to the Governor. When the State Legislature passed a law and when the Governor wrote an Executive Order that established the Delta Vision task force, they required that the recommendations from the task force go to a cabinet committee. That cabinet committee is composed of the Resources Secretary, Mike Chrisman; the Secretary for CalEPA, the Secretary for Business, Transportation and Housing, and the Secretary for Food and Agriculture, and on top of that, the President of the Public Utilities Commission. That body is actually looking at the recommendations that were made by the task force and they're going to make final recommendations for an implementation plan to the Governor by the end of the year. So there's still a lot going on.

If I had to summarize the recommendations from the task force, I would say there are three main objectives. One is to deal with the ecosystem failures in the Delta, to really restore the ecosystem, to look at that as a primary objective. The second objective was to deal with water supply. Not just water supply for exporters, but water supply for upstream parties, for people in the Delta and for exporters—to really look at that as an important value and try to resolve some of the issues there and make sure that we have enough water supply. The third objective was to really try and protect the Delta as a place, and they call it Delta as place. The cultural heritage, the environment of the Delta, to make the Delta something that is treasured and maintained as we move forward. The things that we're talking about today follow on that. The other programs that are going on in the state are designed to support those three main objectives.

We aren't here to talk about flood management today, but I want to give a quick

***Opening and Closing Remarks from Landowner Informational Meetings –
November 5 and 6, 2008***

summary of that. We've spent about \$200 million on flood subventions and special projects in the Delta over the last 20 years. This year the budget is approximately \$51 million and they're planning to spend about \$20 million on subventions. There are a number of projects going on in the Delta. Protecting the levees is clearly a very important thing that we have to do, and if you have questions, we have people here that can answer questions about that in more detail.

We are here today because, as part of BDCP, an EIR/EIS must be conducted, and that deals with both ecosystem restoration and with water supply and conveyance in the Delta. BDCP is the Bay-Delta Conservation Plan. Some of you have probably heard about the fact that water exports have been reduced, not just a little, but dramatically. Just yesterday, in fact, a new proposal went to the Fish and Game Commission that would potentially have the impact of reducing exports significantly more. Also, the native fish populations have been going down drastically and it seems that nothing that we do has had a real impact on stopping that from happening. This is a really significant problem.

So how do you fix it? The Bay-Delta Conservation Plan is the effort to do that. And in order to do that they're looking at a couple of things. Most of what the EIR team is getting information on now is conveyance. What used to be called the peripheral canal is a conveyance out here to the east. A second alternative that they're looking at goes right down kind of through the center of the Delta and it's called through-Delta conveyance and it involves hardening levees and trying to isolate the water and allow you to move water through the Delta. The third alternative is an alternative that actually has conveyance going down the west side.

Another big part of it is ecosystem restoration. They're talking about tens of thousands of acres, potentially, of tidal wetlands and things like that that might actually help restore the food web, so that you actually get to a point where the fish populations, which have been in such stress, have a chance to recover.

The EIR/EIS is the specific reason why many of you received letters. An EIR is an environmental impact report, and that's the state version of an EIS, which is an environmental impact statement, which is the federal version. For this project you have to do both a state environmental impact report and a federal environmental impact statement. As part of that process, they have to gather information on the land, and that's the principal reason why we're here today.

[Environmental Review Process] The environmental review process is a disclosure process. The responsibility of the environmental document is to disclose the impacts associated with the plan, and as a result of that we must go out and assess what is on the ground and be able to determine what the impacts are associated with implementation.

***Opening and Closing Remarks from Landowner Informational Meetings –
November 5 and 6, 2008***

Right now I'm going to go over here to the map. We've identified the potential study areas that we need to evaluate the potential impacts. These are very large areas along this map, and the reason why they are very large areas is that we must assess the direct impacts—footprint of the plan—as well as the indirect impacts.

The other aspect of the environmental review process is alternatives evaluation. During the process of identifying the potential impacts, we may identify alternatives to reduce those impacts. We want to have the information to make recommendations on whether alternatives could reduce those impacts, and that's another reason why the study area is fairly large.

During the environmental process, we'll be looking at previous studies to determine what information we can get without having to go out in the field. Certain issues we can identify from aerial photographs, such things as agriculture use and land uses, so we can determine that based upon the aerial photographs; but there are many issues that will require us to be out in the field looking on the ground so that we can make determinations and quantify those impacts.

One of the areas that we're going to look at is geology, and that's going to help us determine the stability of the features in the Delta. We'll be looking at erosion, seismic or earthquake potential, climate change and sea level change, and so we must go out into the field and assess many of the geologic resources that we cannot get directly from either previous studies or from aerial photographs.

We'll also be looking at utilities to see if the plan will affect roads, water, electrical, some underground utilities, etc. There are also a lot of historical resources in the area. We want to make sure that we can identify what those resources are and determine how the plan would affect those resources. There are archeological Native American resources as well. Those uses cannot be ascertained from aerial photographs or from previous studies, so we want to make sure that we can identify what those impacts are.

The most intensive issue that we'll be looking at from the ground is the biological resources, and those biological resources may require multi-year studies. So, we may have to go out and look at a particular site over a two-year period because that's what is required from a protocol standpoint, and those are required by the U.S. Fish and Wildlife Service and California Department of Fish and Game.

Some studies, such as wildlife studies, require night surveys, so we may have to be out in the field during the night to make some surveys. And then, as the plan becomes more refined, we may have to go out and look at some other areas in a little bit more detail, and so this may require additional studies later on in the process. But we're not going to be out in the field continuously throughout the

***Opening and Closing Remarks from Landowner Informational Meetings –
November 5 and 6, 2008***

two- or three-year process. It would be very intermittent.

We'll also be looking at the potential for hazardous materials and whether that would be affected by the plan. Again, this information is necessary to make sure that the public is aware of what the impacts are of each alternative, and it is also associated with helping to refine the plan. Both the state and federal laws require that, and to the extent possible, impacts must be avoided. So, we must determine if we can avoid the impacts. If we cannot avoid them, we must minimize them. And again, that necessitates us getting the information and then to propose mitigation.

I want to emphasize that this information is going to be used as a disclosure, but it is also important to recognize that these surveys are not going to be continuous throughout the process.

[Temporary Entry Permit Process] I'd like to talk to you briefly about how we identified these planning areas, which lead to the properties that we want to study, as well as this temporary entry permit process.

We're in a planning phase, which is really early. It's kind of like peeling back an onion where you start off with a big area. In this case, the Bay Delta Conservation Plan is looking at the entire Delta and some of the Suisun Marsh. But that's too big of an area to really study. There have been prior studies on different conveyance options in the Delta that go back as far back as the 1940s, and those were used initially to come up with three distinct areas where we have a western Delta, a through-Delta and then an eastern Delta corridor. We started with this and came up with planning areas, but they're over a mile wide and, in some cases, they're several miles wide. We used these planning areas to get down to where we could use the updated aerial photographs. We used data from some of the FloodSAFE and levee subvention work, as well as some of the biological studies, to further refine and come up with 1,000-foot conveyance corridors, and it's from those corridors that we were able to determine where we have data gaps. There are places where we don't have any information. Also, some of the information collected is not really appropriate for this type of a project. All of this formed the basis of the type of field studies we need to perform.

But, we didn't just stop at that point. Given we're in a planning phase, we really went through and looked at where we could do these surveys with the least impact to the private landowners, to you, and where there is state and federal lands where we could go and conduct those surveys. We also looked at some of the local county roads where we might be able to do, say, a bird survey or do some geotechnical drilling using a local county or state right-of-way. That resulted in a lot of sites where we don't need to get onto private land.

***Opening and Closing Remarks from Landowner Informational Meetings –
November 5 and 6, 2008***

The temporary entry permit is really a permission slip. It's permission to get on your property to conduct certain types of studies, and really it starts with working one-on-one with you, the landowner, to describe what kind of studies we need to do. We have a video that shows some of the surveys so you get an idea of what might be going on with your property, and then with that information we can talk to you about some areas. We may not need to get on all of your land; there may be a certain areas of importance to us. We can define those so that you understand our needs and we can work with you. We don't want to disrupt your operations, so we want to work around the times that work for you as well. With the one-on-one meetings, we really want to define what we can do.

The temporary entry permit also protects you in the event that we have an accident while we are on your property, or if there is damage to your property.

We are in a planning process, so we're looking at different options and there are no decisions. It's too early in the process. This is an environmental process, which includes public participation. As we're collecting the studies, the information will be presented to you. We have scoping meetings planned for the first quarter of next year, which is when we feel we'll have enough information to discuss what we have and to get your input so that it gets factored into this environmental process. And lastly, this is all about working with you. We want to minimize impacts to you as we collect our data.

[Closing Remarks] Thank you all for coming. I want to reiterate that the choices we have are not about things staying the same, they really are about how things are going to change as we move ahead. And I think there probably is a common agreement amongst most people that trying to preserve the agricultural values of the Delta is one of the key things we need to do. Almost everybody believes that we really need to deal with the ecosystem. The ecosystem in the Delta has been in collapse in many ways over the last decade. Some would even say it's been 40 or 50 years. We have species that were lost back in the 40s and 50s, and so it's certainly been changing. Also, water supply for the exporters, Delta farmers, and all the upstream users is really important. Those are sometimes difficult issues. There are conflicts. There are problems that we have to address, but it's better to address them together and try and figure it out than to just let the system collapse around us. I think if we don't do something, the system will continue to change and it will not be a good result.

Again, thank you all very much for coming. Please feel free to ask questions of the staff.